

Chino Mines Company
Box 10
Bayard, NM 88023

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September 21, 2012

Via Certified Mail #70121010000143557940

Return Receipt Requested

Mr. James Davis, PhD, Director
New Mexico Environment Department
Resource Protection Division
P. O. Box 5469
Santa Fe, New Mexico 87502

Dear Dr. Davis:

Re: **Human Health Risk Assessment Work Plan
 Lampbright Investigation Unit (LIU) - Chino AOC**

Freeport-McMoRan Chino Mines Company (Chino) appreciates the opportunity to submit comments on the *Human Health Risk Assessment (HHRA) Work Plan* for the Lampbright Investigation Unit under the Chino Administrative Order on Consent (AOC). The New Mexico Environment Department (NMED) approved the work plan in a letter dated July 9, 2012 addressed to Neptune and Company. In response to Chino comments on the draft HHRA Work Plan in a letter dated July 6, 2012, NMED stated the following:

“NMED continues to support the use of the risk assessment exposure scenario for future residents and has directed the risk assessor, Neptune and Company, to proceed with the Human Health Risk Assessment (HHRA). Although the probability of future residential development is uncertain, NMED considers the residential exposure scenarios as a course of to take in determining protection of public health and welfare as per the Administrative Order on Consent.”

As indicated in prior comments (including our letter dated July 2, 2012), for various factors specific to this area, future residential development is highly improbable and speculative. While NMED may as a matter of policy require the evaluation, Chino reserves the right to implement a deed restriction, land use covenants, well restrictions and capping, zoning limitations and other institutional controls on its property in the future as appropriate. Environmental Protection Agency (EPA) guidance previously cited by Chino:

USEPA. 2010. Institutional Controls: A guide to planning, implementing, maintaining, and enforcing institutional controls at contaminated sites. Office of Solid Waste and Emergency Response. EPA/540/R-09/001. November 2010. Interim final.

indicates that discussion and evaluation of institutional controls should begin during the investigation phase. Given the length of time needed to evaluate, include local and other stakeholders, and implement institutional controls, Chino requests that such evaluation be a part of ongoing analysis prior to identifying Remedial Action Objectives in the Record of Decision.

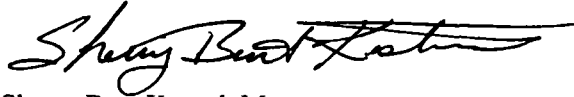


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Please contact Mr. Ned Hall at (520) 393-2292 if you have any questions regarding Chino's final comments on the HHRA Work Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherry Burt-Kested", with a stylized, flowing script.

Sherry Burt-Kested, Manager
Environment, Land & Water

SBK:pp
20120921-001

cc: Phil Harrigan, NMED
Joseph Fox, NMED
Petra Sanchez, EPA
Ned Hall, Freeport-McMoRan Copper & Gold (via email)